

C. Remarks

The claims are 1-102, with claims 1, 17, 33, 38, 60, 73 and 86 being independent. Applicants respectfully request reconsideration of the pending claims.

The specification has been amended to correct a typographical error. No new matter has been added by virtue of this amendment, and U.S. Patent No. 5,422,128 (not 5,442,128) was properly included in the Information Disclosure Statement filed on April 17, 2002.

Claim 1 stands rejected under 35 U.S.C. §103 (a) as being obvious over McSweeney (U.S. Patent No. 4,384,005). Claims 2-14 stand rejected under 35 U.S.C. §103(a) as being obvious over McSweeney and further in view of Braun (U.S. Patent No. 4,830,862). Claims 15-30 stand rejected under 35 U.S.C. §103(a) as being obvious over McSweeney, Braun and further in view of Yang (U.S. Patent Application Publication No. 2001/0051197). Applicants respectfully traverse these rejections.

At the outset, Applicants note that it appears that the Examiner has set forth rejections herein which do not correspond to the present case. First, on the Office Action Summary sheet, the Examiner indicates that claims 1-30 are pending and rejected; there is no mention of remaining pending claims 31-102.

Second, in the §103 rejection based upon McSweeney, the Examiner relies on McSweeney's alleged disclosure relating to a beverage consisting essentially of calcium sulfate and water. In addition, the Examiner relies on Braun for its alleged disclosure of a beverage containing calcium sulfate dihydrate and on Yang for its alleged disclosure related to sonification and irradiation. None of these alleged disclosures bear any relevance

to the presently pending claims. In fact, the presently pending independent claims are as follows:

1. A method for preparing a stable, artificially-sweetened, calcium-supplemented beverage concentrate which comprises forming a stabilized solution of one or more calcium salts and one or more edible acids in water and subsequently adding an artificial sweetener to the stabilized solution to form the beverage concentrate.

17. A method for preparing a stable, artificially-sweetened calcium-supplemented beverage concentrate which comprises:

- a) preparing a first solution or dispersion of one or more calcium salts and water;
- b) adding one or more edible acids to the first solution or dispersion to form a second solution wherein the one or more calcium salts and one or more edible acids are fully dissolved in solution;
- c) adding an artificial sweetener to the second solution to form a third solution wherein the one or more calcium salts, one or more edible acids and artificial sweetener are fully dissolved in solution; and
- d) optionally adding additional edible ingredients; thereby forming the beverage concentrate.

33. A beverage composition comprising calcium, artificial sweetener, and one or more edible acids which is a stable solution and exhibits effective sweetness.

38. A calcium-supplemented beverage concentrate composition comprising as the calcium source calcium chloride and at least two calcium salts chosen from monocalcium phosphate, calcium hydroxide and calcium carbonate.

60. A method for preparing a stable, artificially-sweetened, calcium-supplemented full strength beverage which comprises forming a stabilized solution of one or more calcium salts and one or more edible acids in water and subsequently adding an artificial sweetener to the stabilized solution to form the beverage.

73. A method for preparing a stable, artificially-sweetened calcium-supplemented full strength beverage which comprises:

a) preparing a first solution or dispersion of one or more calcium salts and water;

b) adding one or more edible acids to the first solution or dispersion to form a second solution wherein the one or more calcium salts and one or more edible acids are fully dissolved in solution;

c) adding an artificial sweetener to the second solution to form a third solution wherein the one or more calcium salts, one or more edible acids and artificial sweetener are fully dissolved in solution; and

d) optionally adding additional edible ingredients; thereby forming the full strength beverage.

86. A calcium-supplemented beverage composition comprising as the calcium source calcium chloride and at least two calcium salts chosen from monocalcium phosphate, calcium hydroxide and calcium carbonate.

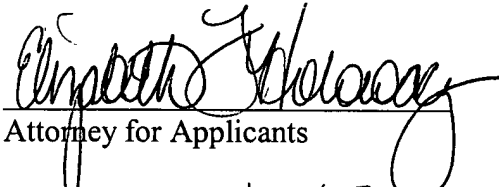
Clearly, the presently pending independent claims relate to the preparation of stable, artificially-sweetened calcium-supplemented beverage concentrates and full strength beverages, as well as to the concentrates and beverages themselves. None of McSweeney, Braun and Yang has been applied effectively against the present claims; in fact, a reference such as McSweeney can not be effectively applied against the present invention, as artificial sweeteners of the type claimed for use herein are specifically excluded from the invention of McSweeney. What is more, Applicants submit that none of the cited references, whether viewed alone or in any combination, would render the present invention obvious. Accordingly, Applicants respectfully request withdrawal of the §103 rejections.

In view of the foregoing remarks, favorable reconsideration and passage to issue of the present case is respectfully requested. If, upon consideration of this paper, the

Examiner believes there are any outstanding issues, it is respectfully requested that the Examiner contact the undersigned attorney in an effort to expeditiously resolve such issues.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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